

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

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DERRICK D. CAIN #256881,

Plaintiff,

v.

P. CARUSO, et al.,

Defendants.

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Case No. 2:10-CV-77

Hon. Gordon J. Quist

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on July 18, 2012. The Report and Recommendation was served on Plaintiff via United States mail the same date. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge filed July 18, 2012, is approved and adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff's complaint is **DISMISSED** pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

**IT IS FURTHER ORDERED** that Defendants are awarded costs against Plaintiff in the amount of \$615.10 for failing to attend his deposition.

This case is **concluded**.

Dated: August 13, 2012

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/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE